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10/588,139

06/25/2007

Hubert Herrmann

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EXAMINER

NGUYEN, NINH H

ART UNIT

PAPER NUMBER

3745

MAIL DATE

DELIVERY MODE

05/11/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/588,139 | Applicant(s) HERRMANN, HUBERT | |
| | Examiner Ninh H. Nguyen | Art Unit 3745 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10, 12 and 17 is/are rejected.
- 7) ☒ Claim(s) 11, 13-16, 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>07/31/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Brown (3,449,914).

Brown discloses a device for adjusting guide blades of a gas turbine (Fig. 1), comprising: an adjustment ring 140; an adjustment lever 62, each guide blades connected to the adjustment ring via the adjustment lever, so as to be swivelable, a first end of the adjustment lever 62 engaged with the adjustment ring 140, a second end of the adjustment lever, opposite to the first end, engaged with an end of a shaft 61 of the guide blade, wherein the adjustment ring is assigned a rotor of a torque motor 148, a stator of the torque motor inherently concentrically surrounding the rotor of the torque motor.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Care et al. (6,832,486 which is referred to as Care from now on).

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Brown discloses all the limitations except the electrical energy required for operation of the torque motor is not provided by a generator of the gas turbine, the generator including a stator and a rotor, the rotor of the generator arranged as a freewheeling generator turbine, which, driven by a gas stream, rotates relative to the stator of the generator to generate electrical energy from kinetic energy of the gas stream as claimed.

Care teaches a gas turbine comprising a rotor 58 carrying a set of rotor blades 54, an electrical machine located on the outer circumference of the rotor blades 54 and including a rotor assembly 92 attached to the top of the blades, a stator assembly 80 surrounding the rotor assembly for generating electricity for various purposes internal and external to the engine (col. 1, lines 12-14).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made, to make the device of Brown with a generator attached to the outer circumference of a set of rotor blade of the rotor for the purpose of providing energy to the actuating motor of the guide blades.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Care as applied to claim 12 above and in further view of Graham et al. (6,873,085 which is referred to as Graham from now on).

Brown in view of care discloses all the limitations except the rotor of the torque motor does not include a plurality of magnetic elements distributed over a circumference as claimed.

Graham teaches an electric motor (Fig. 6) comprising a stator coil 47 surrounding a rotor which includes a plurality of magnets 65 distributed over a circumference of the rotor.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made, to make the device of Brown in view of Care with the rotor comprising a plurality of magnets distributed over a circumference of the rotor for the purpose of providing an electric motor as commonly done in the art.

Allowable Subject Matter

6. Claims 11, 13-16, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 3 patents.

Christensen (2,823,700), Rogo et al. (4,718,819), and Corrigan et al. (4,579,507) are cited to show different turbine guide blades actuated by electric motors.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (571) 272-4823. The examiner can be normally reached on Monday-Friday from 7:30 A.M. to 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (571) 272-4820. The fax number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, please go to <http://pair-direct.uspto.gov> or contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).

/Ninh H. Nguyen/
Primary Examiner, Art Unit 3745

Nhn
5/12/2010